

SENATE BILL 433

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2003 Regular Session
3r1477

By: **Senator Stone (Chairman, Ethics and Election Law Subcommittee)**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Miscellaneous Technical and Clarifying Corrections**

3 FOR the purpose of making certain technical and clarifying corrections to the State
4 election law relating to changes to precinct boundaries and polling places,
5 changes in a voter's party affiliation, changes to the voter registry when a voter
6 moves, the transmittal of certified copies of election results following certain
7 elections, the canvass of certain primary election results for an election to fill a
8 vacancy in the office of representative in Congress, and the deposit or use of
9 certain contributions of money that are received by certain persons prior to the
10 General Assembly session; repealing a certain provision relating to the
11 certification of certain election results by the State Board; repealing a certain
12 provision relating to the transmission of certain campaign finance reports by
13 certain persons to the campaign finance entities of candidates; and generally
14 relating to technical and clarifying corrections to the State election law.

15 BY repealing and reenacting, with amendments,
16 Article - Election Law
17 Section 2-303, 3-303, 3-504, 11-401, 11-501, 11-603, 13-235, and 13-305
18 Annotated Code of Maryland
19 (2003 Volume)

20 BY repealing
21 Article - Election Law
22 Section 13-306
23 Annotated Code of Maryland
24 (2003 Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Election Law**

2 2-303.

3 (a) As it deems it expedient for the convenience of voters, a local board may:

4 (1) create and alter the boundaries for precincts in the county;

5 (2) designate the location for polling places in any election district, ward,
6 or precinct in the county; and

7 (3) combine or abolish precincts.

8 (b) Except as provided in subsection (e) of this section, a local board may not
9 create or change a precinct boundary or polling place during the period beginning the
10 Tuesday that is 13 weeks prior to a primary election, through the day of the general
11 election.

12 (c) Any precinct boundary established by a local board subsequent to July 1,
13 1987 shall follow visible features as defined by the Bureau of the Census, United
14 States Department of Commerce.

15 (d) Within 5 days of creating a new precinct or changing a precinct boundary,
16 a local board shall send to the State Administrator a written description of the new
17 boundary and a map of the area involved.

18 (e) (1) Unless the action is approved in advance by the State Administrator,
19 during the period January 1, in the second year preceding the decennial census,
20 through [December 1, in the second year following the decennial census] THE
21 EFFECTIVE DATE OF ANY REDISTRICTING BASED ON THE CENSUS, a local board may
22 not create a new precinct or change a precinct boundary.

23 (2) Upon receipt of the written description and map relating to a precinct
24 boundary established during the period described in paragraph (1) of this subsection,
25 the State Administrator shall immediately forward the documents to the Secretary of
26 the Department of Planning and the Executive Director of the Department of
27 Legislative Services.

28 (f) Notwithstanding any restrictions imposed by this section, subject to the
29 approval of the State Board, a local board may create a new precinct or change a
30 precinct boundary OR POLLING PLACE if the local board determines that an
31 emergency exists.

32 (g) (1) The regulations adopted by the State Board shall include procedures
33 for the creation of new precincts and changes to precinct boundaries OR POLLING
34 PLACES.

35 (2) A local board may create a new precinct or make a change in a
36 precinct boundary OR POLLING PLACE only in accordance with regulations adopted by
37 the State Board.

1 3-303.

2 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
3 section, a local board, at the signed request of a registered voter, shall change that
4 voter's party affiliation, or change the voter to or from a decline, at any time that
5 registration is open [unless the request is received during the following time
6 periods:].

7 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
8 PARTY AFFILIATION MAY NOT BE CHANGED:

9 [(1)] (I) from 9 p.m. on the Monday, or the next regular business day if
10 the Monday is a legal holiday, that is 12 weeks before the day on which a primary
11 election is to be held under § 8-201 of this article, until and including the day on
12 which the registration reopens after the primary election is held; and

13 [(2)] (II) from and including the day of issuance of a gubernatorial
14 proclamation calling a special election, pursuant to § 8-710 of this article, or from 5
15 p.m. on the next regular business day if the day of issuance is a legal holiday, until
16 and including the day on which that special election is held.

17 (2) IF A VOTER REQUESTS A PARTY AFFILIATION CHANGE DURING A
18 PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL BOARD
19 SHALL MAKE THE CHANGE IF:

20 (I) THERE IS SUFFICIENT EVIDENCE, AS DETERMINED BY THE
21 LOCAL BOARDS PURSUANT TO REGULATIONS ADOPTED BY THE STATE BOARD, THAT
22 THE REQUEST WAS MAILED BEFORE THE BEGINNING OF THE PERIOD SPECIFIED IN
23 PARAGRAPH (1) OF THIS SUBSECTION; OR

24 (II) THE REQUEST WAS SUBMITTED BY THE VOTER TO THE MOTOR
25 VEHICLE ADMINISTRATION, A VOTER REGISTRATION AGENCY, ANOTHER LOCAL
26 BOARD, OR THE STATE BOARD BEFORE THE BEGINNING OF THE PERIOD SPECIFIED
27 IN PARAGRAPH (1) OF THIS SUBSECTION.

28 [(b)] (C) If a registered voter [changes residence] HAS MOVED from one
29 county to another within the State SINCE THE LAST GENERAL ELECTION, the voter
30 may change party affiliation or change to or from a decline [at any time when
31 registering with the new county of residence], ONE TIME ONLY, DURING A PERIOD
32 SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION.

33 [(c)] (D) An individual whose registration has been canceled at the
34 individual's request within a period [closed to changes in party affiliation]
35 SPECIFIED IN SUBSECTION (B) OF THIS SECTION may not reregister in the same
36 county during the same period with a party affiliation or nonaffiliation different from
37 the previous registration.

38 3-504.

39 (a) (1) In this section the following words have the meanings indicated.

1 (2) "Confirmation notice" means a notice, approved by the State Board,
2 that is sent by forwardable mail with a return card.

3 (3) "Return card" means a postage prepaid and preaddressed card on
4 which the voter may report the voter's current address.

5 (b) Upon receiving any information that a voter currently registered in the
6 [county] STATE has moved to a different address within the [county] STATE, the
7 APPROPRIATE election director shall change the voter's record and send the voter a
8 confirmation notice.

9 (c) If it appears from information provided by the postal service or an agency
10 specified in § 3-505(b) of this subtitle that a voter has moved to a different address
11 outside the [county] STATE, the election director IN THE COUNTY WHERE THE VOTER
12 IS MOST RECENTLY REGISTERED shall send the voter a confirmation notice informing
13 the voter of his or her potential inactive status as described in subsection (f) of this
14 section.

15 (d) Upon receipt of a return card, the election director shall make any needed
16 corrections in the Board's records to reflect the voter's current residence.

17 (e) The election director may not remove a voter from the registry on the
18 grounds of a change of address unless:

19 (1) THE VOTER'S REGISTRATION HAS BEEN TRANSFERRED TO ANOTHER
20 COUNTY;

21 (2) the voter confirms in writing that the voter has changed residence to
22 a location outside the [county in which the voter is registered] STATE; or

23 [(2)] (3) (i) the voter has failed to respond to [the] A confirmation
24 notice UNDER SUBSECTION (C) OF THIS SECTION; and

25 (ii) the voter has not voted or appeared to vote (and, if necessary,
26 corrected the record of the voter's address) in an election during the period beginning
27 with the date of the notice through the next two general elections.

28 (f) (1) If a voter fails to respond to a confirmation notice [sent based on
29 information that the voter moved to a different residence outside the local board's
30 jurisdiction] UNDER SUBSECTION (C) OF THIS SECTION, the voter's name shall be
31 placed on a list of inactive voters.

32 (2) Upon written affirmation that an inactive voter remains a resident of
33 the [same county] STATE, the voter may be allowed to vote either at the election
34 district or precinct for the voter's current residence or the voter's previous residence,
35 as determined by the State Board, and shall be restored to the registry.

36 (3) An inactive voter who fails to vote in an election in the period ending
37 with the second general election shall be removed from the registry.

1 (4) Individuals whose names have been placed on the inactive list may
2 not be counted as part of the registry.

3 (5) Registrants placed on the inactive list shall be counted only for
4 purposes of voting and not for official administrative purposes including petition
5 signature verification, establishing precincts, and reporting official statistics.

6 11-401.

7 (a) (1) After each election, each board of canvassers shall transmit one
8 certified copy of the election results in its county, attested by the signatures of the
9 chairperson and secretary of the board of canvassers, to:

10 (i) the Governor;

11 (ii) the State Board of Elections; and

12 (iii) the clerk of the circuit court for the appropriate county.

13 (2) The statement may be mailed or delivered in person.

14 (b) After each general election in which votes have been cast for a write-in
15 candidate, each board of canvassers shall transmit a statement of returns of the votes
16 cast for write-in candidates who have filed a certificate of candidacy.

17 (c) (1) The transmittal shall be made on the second Friday after a primary
18 or general election or, if the canvass is completed after that date, within 48 hours
19 after the completion of the canvass.

20 (2) (I) [After] EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH, AFTER a special primary or special election, the transmittal shall be
22 made as soon as possible, but no later than the second Thursday after the election.

23 (II) AFTER A SPECIAL PRIMARY OR SPECIAL ELECTION THAT IS
24 HELD AT THE SAME TIME AS A PRIMARY OR GENERAL ELECTION, THE TRANSMITTAL
25 SHALL BE MADE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

26 (d) The clerk of the circuit court shall record the election results filed with the
27 court under this section.

28 11-501.

29 (a) Following each gubernatorial primary or special primary election [in the
30 State] TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS, the
31 State Board shall:

32 (1) convene within 2 days after the certified official election results are
33 received from the local boards;

34 (2) if a majority of the members of the State Board is not present,
35 adjourn for not more than 1 day;

1 (3) determine which candidates, by the greatest number of votes, have
2 been nominated to each office and which questions have received a sufficient number
3 of votes to be adopted or approved; and

4 (4) prepare and certify statewide election results based on the certified
5 copies of the statements made by the county boards of canvassers.

6 (b) (1) If a member of the State Board dissents from a determination of an
7 election result or reasonably believes that the conduct of a Board member or Board
8 proceeding was not in compliance with applicable law or regulation or was otherwise
9 illegal or irregular, the member shall prepare and file with the Board a distinct
10 written statement of the reasons for the dissent or concern.

11 (2) The State Board shall maintain a file of the written statements
12 submitted under this subsection by members of the Board.

13 11-603.

14 (a) [(1)] The State Board shall certify election results in accordance with the
15 provisions of this article and regulations adopted by the State Board.

16 [(2) The certification by the State Board shall include a determination
17 that reports or statements of contributions and expenditures required to be filed
18 under § 13-401 of this article have been filed.]

19 (b) The State Board shall:

20 (1) promptly deliver under its seal a certified statement notifying:

21 (i) each individual who is declared elected;

22 (ii) each individual who is continued in office;

23 (iii) the Secretary and presiding officer of the United States Senate,
24 in the case of the election of a United States Senator to represent the State; and

25 (iv) the Clerk and presiding officer of the United States House of
26 Representatives, in the case of the election of a member of the House of
27 Representatives to represent the State; and

28 (2) publish a sufficient number of copies of the certified statements of
29 the votes cast throughout the State that are delivered to it by the Board of State
30 Canvassers and make the copies available to the public at cost.

31 13-235.

32 (a) This section applies to the following officials:

33 (1) the Governor;

34 (2) the Lieutenant Governor;

- 1 (3) the Attorney General;
- 2 (4) the Comptroller; and
- 3 (5) a member of the General Assembly.

4 (b) Except as provided in subsection (c) or (d) of this section, during a regular
5 session of the General Assembly an official described in subsection (a) of this section,
6 or a person acting on behalf of the official, may not, as to a candidate for federal,
7 State, or local office, or a campaign finance entity of the candidate OR ANY OTHER
8 CAMPAIGN FINANCE ENTITY ORGANIZED UNDER THIS TITLE AND OPERATED IN
9 COORDINATION WITH A CANDIDATE:

- 10 (1) receive a contribution;
- 11 (2) conduct a fund-raising event;
- 12 (3) solicit or sell a ticket to a fund-raising event; or
- 13 (4) deposit or [otherwise] use any contribution [regardless of when it is
14 received] OF MONEY THAT WAS NOT DEPOSITED PRIOR TO THE SESSION.

15 (c) An official described in subsection (a) of this section, or a person acting on
16 behalf of the official, is not subject to this section when engaged in activities solely
17 related to the official's election to an elective federal or local office for which the
18 official is a filed candidate.

19 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of
20 the election only, may accept eligible private contributions and any disbursement of
21 funds by the State Board that is based on the eligible private contributions.

22 (e) (1) As to a violation of this section, the campaign finance entity of the
23 official in violation is liable for a civil penalty as provided in this subsection.

24 (2) The State Board, represented by the State Prosecutor, may institute
25 a civil action in the circuit court for any county seeking the civil penalty provided in
26 this subsection.

27 (3) A campaign finance entity that receives a contribution as a result of
28 the violation shall:

- 29 (i) refund the contribution to the contributor; and
- 30 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
31 amount of the contribution.

32 13-305.

33 (a) (1) Subject to paragraph (2) of this subsection, a campaign finance entity
34 that is a personal treasurer is not required to file the campaign finance reports
35 prescribed by § 13-304 of this subtitle if the responsible officers file an affidavit:

1 (i) on or before the day when the first campaign finance report is
2 due; and

3 (ii) stating that the personal treasurer does not intend either to
4 raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the
5 filing fee, make expenditures in the cumulative amount of \$1,000 or more.

6 (2) If the personal treasurer receives cumulative contributions of \$1,000
7 or more or makes cumulative expenditures of \$1,000 or more, the personal treasurer
8 shall file all subsequent campaign finance reports prescribed by this subtitle.

9 (3) A violation of paragraph (2) of this subsection constitutes a failure to
10 file by the campaign finance entity, and the responsible officers are guilty of a
11 misdemeanor and on conviction are subject to the penalties prescribed under Part VII
12 of this title.

13 (b) (1) Subject to paragraph (2) of this subsection, in an election year a
14 continuing political committee is not required to file the campaign finance reports
15 [prescribed by § 13-304] REQUIRED UNDER § 13-309(A) of this subtitle if the
16 responsible officers file an affidavit:

17 (i) on or before the day when the first campaign finance report is
18 due; and

19 (ii) stating that the continuing political committee, with respect to
20 each election to be held in that year:

21 1. has not received contributions or made expenditures since
22 the closing date of its last campaign finance report; and

23 2. does not intend to receive contributions or make
24 expenditures.

25 (2) If the continuing political committee receives contributions or makes
26 expenditures in connection with an election in that year, the continuing political
27 committee shall:

28 (i) notify the State Board in writing within 14 days; and

29 (ii) file all subsequent campaign finance reports prescribed by this
30 subtitle.

31 (3) A violation of paragraph (2) of this subsection is a failure to file by the
32 campaign finance entity, and the responsible officers are guilty of a misdemeanor and
33 on conviction are subject to the penalties prescribed under Part VII of this subtitle.

34 [13-306.

35 (a) Regardless of the purpose for which a political committee is formed, if the
36 political committee directly or indirectly spends \$51 or more to aid or oppose the

1 nomination or election of a candidate, a campaign finance report shall be submitted in
2 accordance with this section.

3 (b) The campaign finance report required under this section shall be:

4 (1) signed by:

5 (i) the treasurer of a political committee other than a political club;

6 or

7 (ii) an officer of a political club; and

8 (2) submitted to the treasurer of the campaign finance entity that was
9 aided.

10 (c) A campaign finance entity that receives a campaign finance report
11 submitted under this section shall file that report with the campaign finance report it
12 files under § 13-304 of this subtitle.

13 (d) This section does not require a political club to report any expenditure
14 other than a contribution of money to a campaign finance entity of a candidate.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2003.